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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,139	08/10/2001	Marianne Langston	GJE-136D1	6929
23557	7590	11/30/2005	EXAMINER	
SALIWANCHIK LLOYD & SALIWANCHIK A PROFESSIONAL ASSOCIATION PO BOX 142950 GAINESVILLE, FL 32614-2950			CHANG, CELIA C	
			ART UNIT	PAPER NUMBER
			1625	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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Langston et al.

GJE136D1

EXAMINER

Chang

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Commissioner for Patents

Reply brief noted, see attachment.

DETAILED ACTION

1. The reply brief filed Sept. 9, 2005 has been entered and considered.

The reply brief argued that claims should not stand or fall together but without providing evidence that subject matter of *each* claim was described, defined and enabled separately, especially, all arguments treating all the claims together.

The reply brief argued that the examiner should not make a logical documentation on the priority papers of Appellants' continuous disclosure during stages of prosecution. The only consideration should be given to Appellants' statement that one would expect the claims on the non-disclosed subject matter (wanted *l-threo* isomer), to be extrapolated similarly as the disclosed subject matter (unwanted *d-threo* isomer). No need to look into the disclosure on what does or does not describe.

The reply brief argued that new references were cited to support the Examiner's position on well-known scientific fact and should not be considered. Please note that Appellants submitted new references in the Brief and citation of new evidence (see appendix to brief) and demanded rebuttal (see p.18 second paragraph of brief). The *further* inclusion of analogous evidence as a rebuttal to Appellants' arguments with respect to the well known facts delineated repeatedly during prosecution by the examiner, does not constitute a new ground of rejection within the meaning of 37 CFR 1.192(a)(2). Repetition of citation only shows the per ponderous nature of the well-known fact.

The reply brief therefore provided no new arguments and all rejections are maintained.

The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

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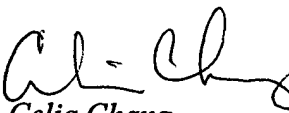
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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang whose telephone number is 571-272-0679. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OACS/Chang
Nov. 23, 2005


Celia Chang
Primary Examiner
Art Unit 1625